

## Statutory Declaration

I, Niviaxie, Alec, Umiujaq, 1978-11-21

(Name, first name, address, birth date)

I do solemnly declare that,

Cliquez ici pour entrer du texte.

Benoit Théoret: My name is Benoit Théoret presently in Umiujaq, 2018-06-19.

Alec Niviaxie: My name is Alec Niviaxie born in 1978-11-21.

Benoit Théoret: You brought me yesterday this document that shows that you complained on the behavior of 3 police officers here in Umiujaq. The event are situated in September 4<sup>th</sup> of 2015. I want to ask you some questions about it. You wrote about 2 pages of description of the subject of the complaint and you received an acknowledge receipt for your complaint on September 14, maybe you received it a little bit later, in which they were asking you to send them the following document, before the 13<sup>th</sup> of October 2015. They were asking: "What are your reproaches against each police officer and could you specify". And after, we see that you filled the conciliation document, saying you do not object to conciliation, you were agreeing to conciliation if it would have been offered I guess.

Q1: So can you tell me a little bit what happened. Finally, what is the result of that complaint?

R1: The file was closed, because, at the end after almost 2 years after, the files were acquitted!

Q2: OK, there was an accusation against you, we see a file number here. It says here, conjugal violence, I don't know if this was the accusation?

R2: Yes, that is what the police officer said when he came in, I kept asking him after he told me he wanted me to go along with him. So I would ask him: "for what?" Why? Than he couldn't answer me right away and finally he said for conjugal. He didn't say anything about violence. So, I asked him: "I don't want to. It's the lady you have to take." He told me: "If you don't cooperate", he will do something. I felt forced to go along with him without him listening to my story at my place in my house. So I went along with him and as I was approaching the police truck he told me to get my

Declarer signature \_\_\_\_\_

Declared before me, Benoit Théoret \_\_\_\_\_

at \_\_\_\_\_ on \_\_\_\_\_

hands behind me and asked to place my hand behind me to cuff me. And I said: "Why I'm cooperating?" And he continued. "I have to cuff you." So I let him and from there, we went to the police station.

Q3: So this is one of the things that you were complaining about, that the use of handcuffs was not necessary because you were cooperating, you agreed to go, to follow him at the police station?

R3: Yes, even though he was not clear for what I was arrested.

Q4: So this is a second thing you are complaining about. The fact that he wasn't clear about what crime you did or what infraction you did?

R4: Yes, the story began at home, when we had an argument with my spouse at the time. I was trying to leave when she forcibly confined me in the house. She would be on the way from the exit. So at the end I tried calling the police, she would not let me, and she had the cordless phone so she made the call first. That's when things got ugly with the police, not physically but their reaction, their verbal approach wasn't fun. And during the detention there was 4 full days, because it was a long weekend, Labour Day weekend. So I went there Friday evening and came out Tuesday evening with conditions.

Q5: Conditions given by the police officer?

R5: Yes.

Q6: Do you remember the conditions?

R6: Keep the peace and be of good behaviour, alcohol was not involved and I believe one was not to communicate with her, or some sort.

Q7: Not to try to get in touch with her or not to get closer than a certain distance from her perhaps?

R7: Yes. After I wrote the letter, to a... What is that déontologie...????

Q8: Deontology or ethics committee, if you want?

R8: I wrote some more letters but I didn't find them, they send me some questions, so I replied to them at the end I think just last year, they told me that they were closing the file because I was acquitted.

X   
Enquêteur

X  
Déclarant

Q9: They told you that or they wrote to you about it?

R9: They wrote to me.

Q10: We will be able to retrace that letter.

R10: Yes, I might have it in my email address.

Q11: I will leave you my card and my email address so if you want to send it to me. So there was... Even though you agreed to conciliation, no conciliation happened I guess...?

R11: No

Q12: Because in a conciliation you get to meet face to face with whatever officer. On his part, officer it's the same, he has to agree to conciliation and this is where you meet so this process didn't happen?

R12: No.

Q13: So I guess that your reproaches to the police officer were not addressed to them or nothing has been done... maybe that if they did something wrong they would know about it they would receive some kind of indication on how to do else or what would be the consequences for them not to observe these correct methods.

R13: Yes. This first approach wasn't pleasant and during the time in jail, I was left behind I believe 4 times all alone in the police station locked up, while the officers left the building. Then being in that situation feeling being wrongfully accused, was no fun. It played a lot with my mind. Although, I wouldn't try to kill myself, but those came to my mind also. I had means to kill myself if I wanted to.

Q14: So, this is another grief that you have against, the way your detention was managed also?

R14: Yes.

Q15: So you had to stay from Friday September 4<sup>th</sup> to Tuesday September 8<sup>th</sup> 2015?

R15: Yes.

X

  
Enquêteur

X

Déclarant

Q16: Do you remember what were the reasons expressed for you to be detained because there was no alcohol involved? So there was no such thing as sobering up? What was the explanation for you to stay there until Tuesday?

R16: I don't know. Before I was told that I was arrested and had the right to remain silent, I tried explaining to them that: "It is her that you have to take." From there on I believe [REDACTED] told me that I was under arrest for conjugal. I remained silent until I kept going back and forth to the court in Kuujjuarapik. That lasted over a year.

Q17: This is where you receive the court service for Umiujaq people you have to go in Kuujjuarapik, so you went back in forth there maybe there were some postponement?

R17: Yes, few times some would be because there were too many people in the lineup, to appear in front of the judge and some I believe was because of the weather.

Q18: OK, I think you do not talk about the access to your lawyer? I don't know if you were referred to a lawyer, while you were detained?

R18: I did talk to him, [REDACTED] and I explained what went on and he told me it's your choice if you want to make a statement but I recommended that you remain silent and wait for the court appearance.

Q19: In the court appearance was [REDACTED] still your lawyer? At the end did you have to go to the trial or were the charges dropped?

R19: The charges were dropped?

Q20: OK, and you learned that in 2017?

R20: Yes

Q21: Do you think there was some discussion going on between the prosecutors and [REDACTED] and then after a little while they decided, the prosecutors or the crown decided to let it go?

R21: I know lawyers and prosecutors meet a lot of times to make a deal and I don't know what went on there but at the end I was acquitted. I wanted to speak with the judge but I was stopped and told that all the charges had been dropped. It's not going to go on again. Although I wanted to explain why, what's been going on in my life for over a year. During that long weekend, I started having ringing ears and I went to the nursing station here in Umiujaq for it and all they told me was that: "It

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Enquêteur

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Déclarant

may not be because of that incident or that moment. I still can't believe it because my ears still been ringing on and off since that time, although I wasn't hit by them or anything, no violence. Since then, my ears have been ringing. One of the cause that I was told is due to stress.

Q22: This is one of the reasons, why you would like to be able to speak to the judge and explain these things?

R22: Yes.

Q23: Do you know CAVAC? Do you know the organization that has the mandate... for sure you're not figured as a victim? You're figured as an aggressor. Because that organization is tamed towards victims and since there are no accusation against the police officer other than this complaint.

Benoit Théoret: There was no criminal accusation so I think the CAVAC wouldn't be able to help you, so it's very interesting to have this information. I don't know if I miss something. There was a detention, there was a person who was not clear on what crime they were saying that you did, also the fact that you were accepting to follow them and they still wanted to cuff you, and then that you were left alone in the detention .

Q24: Would you also complain against the fact that you were detained for 4 days, apparently you don't know the reason why you were detained for 4 days?

R24: I don't know.

Q25: Because this was your home! When they tell you that you cannot approach the lady, what do you do, where do you go?

R25: I stayed at my sister's, finally after, I was released.

Q26: And this was available as soon as you came out of your house. I mean, was there any obstacles for you to go to your sister's place?

R26: The officer told me that I would have to appear by phone.

Q27: OK. And when did that happen?

R27: Tuesday afternoon.

Q28: OK. So they were waiting for you that to appear?

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Enquêteur

x  
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Déclarant

R28: Yes.

Q29: Since there is no service during the weekend and even during the holiday. So that is why you had to wait that long. So, just after you appeared, the conditions were agreed, and they would hand you a paper with the conditions on it.

R29: Yes

Q30: OK.

R30: I may still have the papers somewhere, I think they are in my email

Q31: After that, I don't know if these police officers, you met them again, did they cause you any problems after. Maybe because you file a complaint against them. Is there any mention of that or?

R31: My fire arms were taken and that was a big problem for me, because during that time, during fall, I would get up before dawn to go duck hunting. As I was been released , they told me that I can call them anytime to pick up my rifle to get some food for my family and when I did they told you can pick it up at 8 :00 in the morning which is far too late to hunt for the ducks in the dawn.

Q32: So, does that mean that you had, you could go and get your gun, let's say at eight, and you had to bring them back in the same day?

R32: Yes.

Q33: Oh OK

R33: So I couldn't get them to like at six in the morning to go hunt ducks.


Q34: So it wasn't possible for you to get it, let say on Monday to be able to use it on Tuesday morning, for example?

R34: No, I couldn't

Q35: OK, and this lasted until you got acquitted and after that you're able to retrieve your arms?

R35: Yes

X

  
Enquêteur

X


Déclarant


Q36: I think I have all the answers I needed, do you have a comment to say or do you have any questions?

R36: What are the next step after this?

Q37: (explanations given on the process.) Do you have any more questions?

R37: No, I like your answer. Thank you!

La présente déclaration statutaire a été présentée par : téléphone  
, courriel  courrier , en personne  à Monsieur/madame  
Alex Niviane qui nous confirme  
que son contenu correspond bel et bien à ce qu'il/qu'elle nous a  
rapporté(e) en date du 19 JUIN 2018.  
Signature du déclarant :  Benoit Thésut  
Date : 2018-10-19

X   
Enquêteur  
X  
Déclarant

